

Chairman Tom Wheeler  
Federal Communications Commission  
445 12<sup>th</sup> Street SW  
Washington, D.C. 20554

April 8, 2014

Dear Chairman Wheeler,

I have been watching news of the intent by Comcast to purchase Time Warner Cable with only some misgivings at first. The merged entity will be a national cable provider, which, theoretically should provide economies of scale that should decrease the cost for consumers. On paper this is a good thing.

However, there is another angle to consider - Time Warner owns a fairly sizeable media stake; one of its best-known properties (by the common public) is the cable channels HBO (et al), widely considered a highly popular bundle, which alone introduces difficulty in competing in the market for television, owing to the necessity to carry it and its shows to be able to retain cable customers (Disney and ESPN are another such bundle). Comcast, some time ago, was allowed to purchase NBC/Universal, another massive media creator. The joint combination would have incredible market power. Indeed, this has the smell of Carnegie, the railroad (internet/TV access) and Steel (the content).

But more worryingly, Comcast is starting to branch out into creating an "OS" for the living room. All within their right, and I heartily encourage innovation in the space. However, there are already signs of abuse from Comcast in preventing other contenders for the living-room experience from accessing content through any mechanism but one controlled by them

(<http://www.theverge.com/2014/3/5/5474850/comcast-isnt-letting-customers-watch-hbo-go-on-ps3>).

There was a delay allowing such capability on the Xbox 360 as well. Clearly, these are the steps of a company that wants to use their considerable market power in one market to receive what could only be described as an unfair advantage in another.

I do not know whether this deal is in the best interests of Comcast and Time Warner. But from where I sit, it is clear that this would have the effect of reducing competition in fields other than Cable and Television service. I urge you to take decisive action in this matter to protect competition in media access (my suggestion would be to require a spinoff of the media side of Time Warner or similar) and require Comcast to enable any non-linear/OnDemand functionality that they offer on their devices to also be allowed and available, with no discrimination due to endpoint (therefor no throttling / non-charge for bandwidth when delivering to Comcast endpoints) on any legal device (Xbox, PlayStation, Roku, et al).

As it stands, carriers have been complaining about costs while continually raising prices for the consumer for internet, television and phone access, information utilities that are critical for participating in modern society. Compare the growth of access and speed of internet in the US and other first world countries - we are lagging significantly behind. It requires the resources of a company the size of Google to even think about offering real competition to the existing carriers, and any dent they may make will require years to come about. But notice that in the areas they offer service, it seems like it only takes the flip of a switch for the incumbents to offer the same thing - clearly they are capable of it, and it is

economically feasible for them, but the financial incentive is not there, because competition is not there.

Moreover, looking at the presentation by Comcast comparing it to other technology companies is completely disingenuous. With the exception of Verizon, AT&T and the two companies seeking to merge, none of the companies listed have significant presence in providing internet connectivity to end users. Google is the only one which has any presence – and that is miniscule. Verizon has stopped expanding its FiOS coverage (<http://www.dslreports.com/shownews/Verizon-Again-Confirms-No-Future-FiOS-Expansion-121365>), and AT&T's DSL service is certainly not competitive – speed-wise to Comcast's. Better to compare with the market caps of Cablevision, RCN, and other local cable companies, which are nowhere near the market caps presented in the chart.

Your decision on this merger has the ability to change the technological progress of the United States for years to come. I urge you to think beyond the immediate “we are not competing” message that Comcast is making, and look at the massive agglomeration of power that they will have, without any incentive to improve the services their customers use, and no controls over how they use this power to take control of new markets and prevent innovative companies from being able to come to market.

I strongly urge you to not only block the merger as it is currently proposed, but to also look at the conditions which are allowing such control over access to the internet and to a large portion of broadcast and studio media to aggregate in the hands of single companies, reducing incentives to improve these services for their customers due to lack of competition.

Thank you for your time,

Jacob Alber